



Patent
Attorney's Docket No. 033018-078

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of)
Walter A. Nichols et al.) Group Art Unit: 3743
Application No.: 10/005,155) Examiner: J. F. Weiss, Jr.
Filed: December 7, 2001) Confirmation No.: 9860
For: DISPOSABLE INHALER SYSTEM)
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**REQUEST FOR ACKNOWLEDGMENT THAT ALL DOCUMENTS
CITED IN MARCH 20, 2002 INFORMATION DISCLOSURE
STATEMENT HAVE BEEN CONSIDERED**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants gratefully acknowledge receipt of a Notice of Allowance dated June 30, 2004. However, the Notice of Allowance did not indicate that the documents submitted with the Information Disclosure Statement filed on March 20, 2002 had been considered by the Examiner. For the convenience of the Examiner, a copy of the Information Disclosure Statement and the stamped postcard submitted on March 20, 2002 is enclosed.

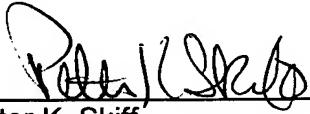
The Examiner is requested to initial and return to the undersigned a copy of the subject Form PTO-1449.

In view of the foregoing, the Examiner is requested to make of record the documents submitted with the Information Disclosure Statement filed on March 20, 2002.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 14, 2004

By: 
Peter K. Skiff
Registration No. 31,917

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620



AVAILABLE COPY

Inventor: Walter A. NICHOLS et al.

Appn. No. 10/005/155

Filing Date: December 7, 2001

Docket No.: 033018-078

Work Atty: PKS:lib

Date: March 20, 2002



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- Amendment or Response
- Preliminary Amendment
- Reply Transmittal Letter
- Petition for Month Extension of Time
- Submission of Formal Drawings w/ sheet(s) of drawings (Fig(s). 1-)
- Request for Approval of Drawing Changes w/ sheet(s) of red ink drawings
- Notice of Appeal
- Brief for Appellant
- Request for Oral Hearing
- Reply Brief
- Response to Restriction Requirement or Election of Species
- Terminal Disclaimer
- Certificate Under 37 C.F.R. § 3.73(b)
- Transmittal Letter for Missing Parts of Application
- Executed Declaration/Power of Attorney
- Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
- Claim for Convention Priority w/ certified copy(s)
- Information Disclosure Statement w/ document(s)
- Information Disclosure Citation (PTO-1449)
- Information Disclosure Statement Transmittal Letter
- Request for Corrected Notice of Recordation of Assignment w/copy of Notice
- Request for Continued Examination
- Check for \$ is enclosed
- Check for \$ is enclosed
- Charge \$ to Deposit Account
- Issue Fee Transmittal
- Payment of Issue Fee and Authorization to charge Deposit Account
- Request for Refund
- Status Inquiry
- Request for Corrected Filing Receipt w/copy of Official Filing Receipt



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Patent
Attorney's Docket No. 033018-078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Walter A. NICHOLS et al.) Group Art Unit: 3761
Application No.: 10/005,155) Examiner: Not Yet Assigned
Filed: December 7, 2001)
For: DISPOSABLE AEROSOL GENERATOR)
SYSTEM AND METHODS FOR)
ADMINISTERING THE AEROSOL)

**INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- No additional fee for submission of an IDS is required.
- The fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- A certification under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- Charge \$_____ to Deposit Account No. 02-4800 for the fee due.
- A check in the amount of \$_____ is enclosed for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Peter K. Skiff
Registration No. 31,917

P.O. Box 1404
Alexandria, Virginia 22313-1404
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Date: March 20, 2002

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filed 3-20-02 *css*
3/20/02



Patent

Attorney's Docket No. 033018-078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Walter A. NICHOLS et al.) Group Art Unit: 3761
Application No.: 10/005,155)
Examiner: Not Yet Assigned
Filed: December 7, 2001)
For: DISPOSABLE AEROSOL GENERATOR)
SYSTEM AND METHODS FOR)
ADMINISTERING THE AEROSOL)

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited on the PTO-Form 1449 is enclosed.

The documents listed on the attached PTO-Form 1449 are cited in commonly owned patents and/or patent applications and/or other wise came to the attention of the Applicants.

The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or statement is required under 37 C.F.R. § 1.97(b).

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Peter K. Skiff

Peter K. Skiff

Registration No. 31,917

P.O. Box 1404
Alexandria, Virginia 22313-1404
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Date: March 20, 2002

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filed 3-20-02 *css*
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SHEET 1 OF 7

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

ATTORNEY'S DKT NO. 033018-078	APPLICATION NO. 10/005,155
APPLICANT Walter A. NICHOLS et al.	
FILING DATE December 7, 2001	GROUP 3761

U.S. PATENT DOCUMENTS

Examiner Initials	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication (MM-DD-YYYY)
	Number	Kind Code (if known)		
	2,896,856		Kravits	07-28-1959
	3,084,698		Smith	04-09-1963
	3,157,179		Paullus et al.	11-17-1964
	3,162,324		Houser	12-22-1964
	3,431,393		Katsuda	04-04-1969
	3,486,663		Humphrey	12-30-1969
	3,658,059		Steil	04-25-1972
	3,716,416		Adlhart et al.	02-13-1973
	3,750,961		Franz	08-07-1973
	3,847,304		Cohen	11-12-1974
	3,859,398		Havstad	01-07-1975
	3,902,635		Jinotti	09-02-1975
	3,903,883		Pecina et al.	09-09-1975
	3,904,083		Little	09-09-1975
	3,967,001		Almaula et al.	06-29-1976
	3,987,941		Blessing	10-26-1976
	3,993,246		Erb et al.	11-23-1976
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	4,161,282		Erb et al.	07-17-1979
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	4,215,708		Bron	08-05-1980
	4,231,492		Rios	11-04-1980
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	4,433,797		Galia	02-28-1984
	4,471,892		Coleman	09-18-1984
	4,512,341		Lester	04-23-1985

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

ATTORNEY'S DKT NO. 033018-078	APPLICATION NO. 10/005,155
APPLICANT Walter A. NICHOLS et al.	
FILING DATE December 7, 2001	GROUP 3761

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4,695,625	Macdonald	09-22-1987
4,700,657	Butland	10-20-1987
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5,133,343	Johnson, IV et al.	07-28-1992
5,134,993	van der Linden et al.	08-04-1992
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

OCT 14 2004

SHEET 3 OF 7

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANTATTORNEY'S DKT NO.
033018-078APPLICATION NO.
10/005,155

APPLICANT

Walter A. NICHOLS et al.

FILING DATE

December 7, 2001

GROUP
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5,855,202	Andrade	01-05-1999

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and _____.
not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

ATTORNEY'S DKT NO. 033018-078	APPLICATION NO. 10/005,155
APPLICANT Walter A. NICHOLS et al.	
FILING DATE December 7, 2001	GROUP 3761

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6,119,953	Gañán-Calvo et al.	09-19-2000
6,123,068	Lloyd et al.	09-26-2000

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Substitute for form 1449A/PTO	ATTORNEY'S DKT NO. 033018-078	APPLICATION NO. 10/005,155
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		
	APPLICANT Walter A. NICHOLS et al.	
	FILING DATE December 7, 2001	GROUP 3761



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Substitute for form 1449A/PTO		ATTORNEY'S DKT NO. 033018-078	APPLICATION NO. 10/005,155
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT Walter A. NICHOLS et al.	
		FILING DATE December 7, 2001	GROUP 3761



	Pub. No. 2001/0032647 A1	Schuster et al.	Published 10-25-2001
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FOREIGN PATENT DOCUMENTS

Examiner Initials	Foreign Patent Document		Country	Date of Publication (MM-DD-YYYY)	Translation	
	Number	Kind Code (if known)			Yes	No
	667979 A		France	10-25-1929		X
	354094 A		Belgium	09-1928		X
	354004 A		Belgium	09-1928		X
	94/09842 A		WIPO	05-11-1994		
	98/17131		WIPO	04-30-1998		
	0358114 A		Europe	03-14-1990		
	0642802 A2		Europe	05-14-1996		
	1036470 B1		Germany	08-14-1958		X
	P953409		Hungary (Abstract Only)	06-03-1994	Abstract Only	
	207457 A		Hungary	04-28-1993		X
	168128 B		Hungary (Abstract Only)	11-28-1977	Abstract Only	
	216121 B		Hungary (Abstract Only)	03-21-1991	Abstract Only	
NON						
Examiner Initials						
	Barry, P.W. et al. "In Vitro Comparison of the Amount of Salbutamol Available for Inhalation From Different Formulations Used with Different Spacer Devices" Eur Respir J 1997; 10: 1345-1348					
	Byron, Peter R. Ph.D., Chairman, "Recommendations of the USP Advisory Panel on Aerosols on the USP General Chapters on Aerosols (601) and Uniformity of Dosage Units (905)", Pharmacopeial Forum, Vol. 20, No. 3, pp. 7477-7505, May-June 1994 (023)					
	Hindle, Michael et al., "High Efficiency Aerosol Production Using the Capillary Aerosol Generator" PharmSci 1998; 1: (1: suppl) S211.					
	Hindle, Michael et al., "High Efficiency Fine Particle Generation Using Novel Condensation Technology", Respiratory Drug Delivery VI (eds Dalby, R.N., Byron, P.R. & Farr, S.J.) Interpharm Press, Buffalo Grove, IL 1998 pp 97-102					
	Hou, Shuguang et al. <i>Solution Stability of Budenoside in Novel Aerosol Formulations</i> Abstract No. 2582, Solid State Physical Pharmacy, November 17, 1998, p. S-307					
	Kousaka, Yasuo et al., "Generation of Aerosol Particles by Boiling of Suspensions", Aerosol Science and Technology, 21:236-240 (1994) (023)					
	Morén, Folke "Drug Deposition of Pressurized Inhalation Aerosols I. Influence of Actuator Tube Design" AB Draco (Subsidiary of AB Astra, Sweden) Research and Development Laboratories Pack, S-221 01 Lund (Sweden), International Journal of Pharmaceutics, 1 (1978) 205-212					
	Newman, Stephen P. et al. "Deposition of Pressurized Suspension Aerosols Inhaled Through Extension Devices ¹⁻³ " Am Rev Respir Dis 1981; 124:317-320					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Substitute for form 1449A/PTO		ATTORNEY'S DKT NO. 033018-078	APPLICATION NO. 10/005,155
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT Walter A. NICHOLS et al.	
		FILING DATE December 7, 2001	GROUP 3761

EXAMINER SIGNATURE <i>[Signature]</i>	Roth, G. et al. High Performance Liquid Chromatographic Determination of Epimers, Impurities, and Content of the Glucocorticoid Budesonide and Preparation of Primary Standard, Journal of Pharmaceutical Sciences, Vol. 69, No. 7, pp. 766-770, July 1980		
		Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.